

REMARKS/ARGUMENTS

By the present Amendment, claims 64-90 are pending in this application with claims 1-63 have been previously canceled and claims 65, 66, 75-82 and 88-90 having been withdrawn. Claims 68, 71-74 and 85-87 are pending after entrance of the above claim amendments. Claims 68, 85 and 86 are amended herewith. Please cancel claims 64-67, 69-70, 75-84 and 88-90 without prejudice. Basis for these amendments may be found throughout the specification and claims as originally filed. No new matter has been added.

Applicants reserve the right to file subsequent applications and the cancellation of claims is not intended as abandonment of the affected subject matter.

Objections to Claims

Claims 68, 71-74 and 85-87 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following claim amendments were made to overcome the objections and place all of the claims in allowable format:

Claim 68 has been rewritten in independent form including all of the limitations of claim 64 from which it depended.

Claim 71 is already written as an independent claim and therefore should be considered allowable as written without any further amendment. Additionally, no art rejections were applied to this claim, therefore Applicant is of the understanding that claim 71 is presently allowable.

Claims 72-74, and 87 all originate from non-rejected independent claim 71 and thus should be considered allowable in current dependent format.

Claims 85 and 86 have been rewritten in independent form including all of the limitations of claim 64 from which each depended.

All of the pending claims are now in an allowable format and Applicant requests the issuance of a Notice of Allowance as the next communication.

Rejections Under 35 U.S.C. §103

Claims 64, 67, 69-70 and 83-84 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nantz et al. (U.S. Patent No. 5,869,715) in view of Felgner (WO 91/17424).

Applicants submit that, while not acquiescing to the reasoning offered in the Action and in order to expedite prosecution toward allowance, all of the rejected claims 64, 67, 69-70 and 83-84 have been canceled rendering the present rejection moot. Applicants reserve the right to file subsequent applications and the cancellation of claims is not intended as abandonment of the affected subject matter.

CONCLUSION

In view of the foregoing, Applicants believe all claims elected in this Application are in condition for Allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact Applicants undersigned representative if there are any questions relating to this submission.

The Commissioner is hereby authorized to charge \$130 as payment on the Petition for a One-Month Extension of Time to Deposit Account No. 07-1896. Excess claims fees have previously been paid and claims 1-67, 69, 70, 75-84 and 88-90 have been cancelled, therefore no excess claims fees are believed to be due with this filing. Additionally, the Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayments to Deposit Account No. 07-1896 referencing the above-identified attorney docket number.

Respectfully submitted,

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